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no:

## **Shropshire Council Site Allocations and Management of Development (SAMDEV) Plan**

**Pre-Submission Draft (Final Plan)  
17 March 2014 – 28 April 2014**

### **Representations Form**

**Please note you can also make representations to the SAMDev Pre-Submission Draft using our online form via:**

[www.shropshire.gov.uk/samdev](http://www.shropshire.gov.uk/samdev)

This is a formal consultation on the legal compliance and soundness of the Site Allocations and Management of Development (SAMDev) Plan before it is submitted to the Secretary of State for examination by an Independent Planning Inspector. For advice on how to respond to the consultation and fill in this representations form please see the guidance notes available on the Council's website at [www.shropshire.gov.uk/samdev](http://www.shropshire.gov.uk/samdev).

#### **Your details: Who is making this representation?**

Name:	Mr M Taylor, Managing Director
Organisation (if applicable):	Chilmark Consulting Ltd.
Address:	Albany House, High Street, Hindon, Wiltshire SP3 6DP
Email:	<a href="mailto:Mike.taylor@chilmarkconsulting.co.uk">Mike.taylor@chilmarkconsulting.co.uk</a>
Telephone:	0330 223 1510

**If you are acting as an Agent, please use the following box to tell us who you are acting for:**

Name:	Mr G.Phillips
Organisation (if applicable):	N/A
Address:	
Email:	N/A
Telephone:	N/A

## Your Representations

**Please note, you must use a separate form for each representation you wish to make.**

(Please refer to the accompanying Guidance Notes on Making Representations when completing this section)

In the box below please give the policy, paragraph or section of the Policies Map your representation relates to:

Policy S16.1 (Shrewsbury Development Strategy) and S16.1A (Shrewsbury Housing Allocations)

Is your representation in support or objection? (please tick as appropriate)

<b>Support</b>	<b>Yes</b>	<input type="checkbox"/>	<b>No</b>	<input checked="" type="checkbox"/>
<b>Object</b>	<b>Yes</b>	<input checked="" type="checkbox"/>	<b>No</b>	<input type="checkbox"/>

In respect of your representation on the policy, paragraph or section of the Policies Map, do you consider the SAMDev Plan is:

<b>Legally compliant</b>	<b>Yes</b>	<input checked="" type="checkbox"/>	<b>No</b>	<input type="checkbox"/>
<b>Sound</b>	<b>Yes</b>	<input type="checkbox"/>	<b>No</b>	<input checked="" type="checkbox"/>

If your representation considers the SAMDev Plan is not sound, please say whether this is because it is not (*Please tick all that apply*):

<b>Positively prepared</b>	<b>X</b>
<b>Justified</b>	<b>X</b>
<b>Effective</b>	<b>X</b>
<b>Consistent with National Policy</b>	

**In the box below please specify your reason for supporting or objecting.**

If you are objecting, you should make clear why the document is unsound having regard to the issues of 'legal compliance' or whether the document is not positively prepared, justified, effective or not consistent with national policy (Continue on a separate sheet if necessary).

Please see enclosed representation on behalf of Mr Phillips.

**Please use the box below to explain the changes you think should be made to the SAMDev Plan in order to make it legally compliant or sound?** You should explain your suggested revisions to the policy, paragraph or section of the Policies Map, and why this change would make the plan legally compliant or sound. Please be as precise as possible (Continue on a separate sheet if necessary)

Please see enclosed representation on behalf of Mr Phillips.

Please be sure that you have provided all the information necessary to support your representations and any changes you are proposing. After this stage you will not be able to make any further representations about the SAMDev Plan to Shropshire Council. Any further submissions will only be possible at the invitation of the Inspector conducting the examination, who may seek additional information about the issues he/she has identified.

**Do you consider it necessary to attend and give evidence at the examination?**

Yes, I wish to give evidence about my representation at the examination.

**X**

No, I wish to pursue my representations through this written representation.

If you wish to attend the examination, please explain why you think this is necessary in the box below:

**The nature of objection is significant as it raises fundamental objections to the housing allocations for Shrewsbury and the approach taken to identify the proposed allocations.**

**It is important that our client is represented at the Examination in order to put forward the case in full detail. Written representations will not be sufficient.**

**Do you wish to be notified of any of the following? Please tick all that apply. We will contact you using the details you have given above.**

When the SAMDev Plan has been submitted for examination	X
When the Inspector's Report is published	X
When the SAMDev Plan is adopted	X

**Please return this form by 5pm on Monday 28 April 2014**

**You can e-mail it to:**

[Planning.policy@shropshire.gov.uk](mailto:Planning.policy@shropshire.gov.uk)

**Or return it to:** Planning Policy Team, Shropshire Council, Shirehall, Abbey Foregate, Shrewsbury, Shropshire, SY2 6ND

**Please note, we will acknowledge receipt of representations made by e-mail.**

Data Protection Act 1998 and Freedom of Information Act 2000

Representations cannot be treated in confidence. Regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations 2012 requires copies of all representations to be made publically available. The Council will place all the representations and the names of those who made them on its website, but will not publish personal information such as telephone numbers, emails or private addresses. By submitting a representation on the Pre-Submission SAMDev Plan you confirm that you agree to this.

## Shropshire Site Allocations and Management of Development (SAMDev) Plan Pre-Submission Draft (Final Plan) March 2014

Representation on behalf of Mr G. Phillips, Land at Cross Hill Farm, Ellesmere Road, Shrewsbury

### Policy S16.1 and Schedule S16.1a

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#### Introduction

1. This representation is made by Chilmark Consulting Ltd. for and on behalf of Mr G. Phillips concerning policy S16.1 (Shrewsbury Development Strategy) and Schedule 16.1a of the Site Allocations and Management of Development (SAMDev) Plan Pre-Submission Draft. It should be read together with all other responses submitted on behalf of Mr Phillips to the previous SAMDev Plan consultations submitted by Davis Meade Property Consultants Limited.
2. The Draft SAMDev Plan fails to provide an adequate justification at policy S16.1 as to why sites, such as land at Cross Hill Farm (SHREW 015, 017 and 108) are not allocated through Schedule S16.1a and therefore why they cannot form part of the housing land supply allocated in the plan period and necessary to support the delivery of the North West Relief Road as a key piece of transport infrastructure of strategic benefit to Shrewsbury. This position gives rise to an ineffective, unjustified and therefore unsound policy especially as the Draft SAMDev identifies the principle of development of sites to the west of Ellesmere Road at policy S16.1 point (9).

#### The Issue

3. Policy S16.1 (Shrewsbury Development Strategy) sets out the preferred approach to development in Shrewsbury and identifies the specific criteria and characteristics of development in various locations in the town.
4. At S16.1 (9) the policy identifies that:

*"New development on land west of Ellesmere Road will not be permitted unless co-ordinated with and helping to fund the construction of the Shrewsbury North West Relief Road".*

5. Paragraph 5.160 of the Plan confirms the Council's view of the North West Relief Road (NWRR) establishing with respect to the Shrewsbury West SUE that:

*"the development is planned to provide a new Oxon Link Road between the A5 junction and the Holyhead Road, relieving Welshpool Road of through traffic and forming a leg of the proposed Shrewsbury North West Relief Road, which remains an aspiration of the Council".*

6. Paragraph 5.164 continues:

*"In relation to highways and transport, the provision of the Shrewsbury North West Relief Road remains a Council ambition, although it is recognised that there is little prospect of the delivery of the road in the immediate future and so it is not shown on the Policies Map. However, the Council's preferred route for this road is illustrated on the Shrewsbury Key Diagram linked to policy CS2 in the Core Strategy. New development on land west of Ellesmere Road, which could have significant adverse traffic impacts on this major approach to the town centre, is not considered desirable pending construction of the North West Relief Road, with any development needing to be co-ordinated with, and helping to fund, the road".*

7. One of the adopted Core Strategy's strategic objectives is to deliver new transport infrastructure including the North Western Relief Road. This is articulated in the Core Strategy Strategic Objectives at SO8 (supporting the growth of Shropshire's transport system) as well as in policies CS2 (Shrewsbury Development Strategy), CS7 (Communications and Transport) and at Figure 6 (Shrewsbury Key Diagram).
8. Core Strategy policy CS9 (Infrastructure Contributions) establishes the link explicitly between and the development of additional housing and the delivery of sustainable communities to contributions to local infrastructure, including the NWRR as identified in the LDF Implementation Plan (2012) as a "priority" to be funded from a variety of sources (Table 3, p.27) including developer contributions. The proposed Shrewsbury West SUE provides the first part of the route for the NWRR as Figure 16.1.2 (p.193) clearly identifies.
9. Together with the Core Strategy policies, Policy S16.1 and its reasoned justification identify the importance of the NWRR and how the route is being supported by new development. However the policy in the SAMDev is not effective or positively prepared in order to achieve this. Indeed, policy S16.1 is particularly negatively worded at point 9 and this results in uncertainty over the Council's commitment to the delivery of this road as a critical element of the key transport infrastructure needed during the plan period. It is not clear how the decision-maker should react to a development proposal on land west of Ellesmere Road as S16.1 (9) is worded.

This is contrary to paragraphs 154 and 157 of the National Planning Policy Framework (NPPF).

10. Land at Cross Hill Farm (recorded by the Council as sites SHREW015, SHREW017 and SHREW108) offers significant opportunity to help support the development and completion of the NWRR. However the development of the site can only come forward in accordance with the Development Plan during the plan period if it is positively identified and allocated for residential-led mixed use development in the SAMDev.
11. Policy S16.1 of the SAMDev Plan as currently drafted is not effective if the sites necessary to enable and fund the NWRR are prevented by policy and an absence of positive allocation from being delivered during the plan period. Without such allocation, the first part of the NWRR provided through the Shrewsbury West SUE development is effectively an unconnected road that in itself does not offer an effective transport infrastructure improvement for Shrewsbury.
12. If the NWRR is a key transport infrastructure requirement identified as a priority in the LDF Implementation Plan linked to policy CS9 of the Core Strategy then the absence of allocated sites to the west of Ellesmere Road cannot be justified and the SAMDev is therefore unsound in this respect.

### **Contribution of Land at Cross Hill Farm, West of Ellesmere Road**

13. Land at Cross Hill Farm (SHREW015, 017 and 108) to the west of the A528 Ellesmere Road is in the freehold ownership of Mr Phillips. Previous representations to the earlier draft SAMDev consultations have set out greater details of the site's characteristics and availability for residential development and are not repeated herein.
14. Land at Cross Hill Farm would meet sustainable development criteria established in the NPPF and can therefore contribute significantly both to housing land supply, but also support the development of the NWRR in the plan period.
15. The site was assessed in the SAMDev Preferred Options Stage 2a and Stage 2b options appraisal (see SHREW 015, 017 and 108) and clear, positive sustainable development credentials are evident, including:
  - the site offers a substantial greenfield area available for residential-led mixed use development by a willing landowner that could provide a significant contribution to the housing requirements of Shrewsbury and Shropshire;
  - the protected line of the proposed North West Relief Road lies within the site boundaries and would encompass the site within the boundary of the town

following its development. The site's development can support the creation of the new road as part of Shrewsbury's strategic infrastructure;

- good access is achievable to the site to the A528 Ellesmere Road as the existing road abuts the eastern boundary of the site. Access can therefore be secured with or without the proposed North West Relief Road;
- there is good access to existing employment opportunities, community and retail facilities and services in the town centre via Ellesmere Road/Chester Street, and the ability to offer new facilities as part of a mixed use development scheme for the site;
- the area has limited landscape sensitivity and existing housing and roads about the site on its eastern side already. The development of the North West Relief Road to the west would further enclose the site within the landscape;
- the site's topography is flat and slightly undulating with gentle slopes with a rise/fall of approximately 5m at most (between the 80 and 85m contour), offering no physical slope constraint to development;
- there are opportunities to create a significant mix and range of green infrastructure and linkages aligning with the existing Environmental Network;
- there is limited existing tree cover and hedgerows and those trees which are protected can be effectively protected through any future development designs;
- there are no known protected species on site;
- there is no record of flooding. The majority of the site (over 97%) lies outside Flood Zone 3a and is not susceptible to surface water flooding or ground water flooding;
- there are no Listed Buildings or Scheduled Ancient Monuments on the site.

16. The land at Cross Hill Farm was not taken forward for allocation through the SAMDev Plan. The basis for this appears to be that an overall, unfavourable conclusion was drawn in the Stage 2b assessment despite the overall positive assessment of many individual sustainability elements and characteristics of the site. It is on the basis of the Stage 2b assessment that Schedule S16.1A (Allocated Housing Sites in Shrewsbury) has been compiled.



17. There are notable deficiencies and limitations arising in the Stage 2b assessment of Land at Cross Hill Farm (see SHREW 017 table, pages 26 – 29 for instance). For example, the site is concluded to have a low / medium capacity for residential development, but also an indicative capacity for over 1,200 dwellings.
18. It is also recorded as having both a low landscape sensitivity (which is a realistic reflection of the area's character) and elsewhere in the assessment as a high/medium landscape sensitivity; it cannot have both levels of sensitivity to this receptor and the analysis is wholly confusing in this respect.
19. Furthermore, the site assessment summary conclusion (p.29) treats as equal all of the sustainability criteria. For example it considers that access to existing facilities is equally as important as possible effects of development on the Hencott Pool SSSI and Ramsar site or that the lack of an existing local park or primary school is as critical as access to town centre facilities in this location. There is no reflection or consideration within the assessment of the relative importance or priority of particular sustainability factors or the ability of an appropriate development scheme to overcome, compensate or mitigate for its effects, or indeed offer a positive benefit.
20. All sustainability factors appear to carry the same weight regardless of whether, in the planning balance, some should have little or indeed no weight attached. For example some aspects, such as the presence of existing trees and hedgerows are described as significant constraints to development when the reality is that a future scheme could be designed to respect and protect such landscape assets and to enhance their long-term management and stewardship with a positive benefit rather than a constraint or adverse impact.
21. The site assessment is a static analysis of the current sustainability position. There is no regard or consideration of the future potential or opportunities to support facilities and services that would overcome perceived current limitations of the site's location and would therefore significantly enhance its position as a sustainable development location.
22. There is therefore little overall apparent and consistent logic of how the site assessment that comprises the basis for the policy S16.1 Schedule A allocations was completed when there is no scheme or concept plan in place for the Cross Hill Farm site. This is compounded by a lack of any consideration of the longer-term opportunities that the site's development would offer to improve the range of community facilities or to enhance the access to, or protection of, particular landscape or environmental elements.

## Conclusions and Modifications

23. The following conclusions are drawn on this matter:
- Policy S16.1 and Schedule S16.1A are unsound. The policy is not effective, justified or positively prepared with respect to the contribution that sites can make to the delivery of the North West Relief Road during the plan period. It is not in accordance with paragraphs 9, 14, 154 and 157 of the National Planning Policy Framework.
  - The negative wording at S16.1 at point (9) is drafted to prevent development rather than encourage sustainable growth that could support the delivery of the NWRR and the provision of positive benefits for the town.
  - Policy S16.1 does not conform with or align to the adopted Core Strategy policies CS2 and CS7 which recognise the importance and need to deliver the North West Relief Road as part of the spatial strategy for Shrewsbury;
  - Schedule S16.1A (Allocated Housing Sites) does not have a sound evidential base as the conclusions drawn in the Shrewsbury Housing Sites 2b Assessments with respect to Land at Cross Hill Farm (SHREW 015, 017 and 108) are deficient and the conclusion drawn does not align with the assessment undertaken.
24. Land at Cross Hill Farm to the west of Ellesmere Road should be allocated by way of a modification to the SAMDev Plan at policy S16.1 and in Schedule S16.1a (Allocated Housing Sites) to allow development to occur on a positive, planned basis in accordance with the NPPF at paragraphs 9, 14 and 157.